

**Notice of Allowability**

Application No.

10/728,752

Examiner

Saeed S. Mirzadegan

Applicant(s)

ANDO ET AL.

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/03/2007.
2. ☒ The allowed claim(s) is/are 2-12, 14 and 15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

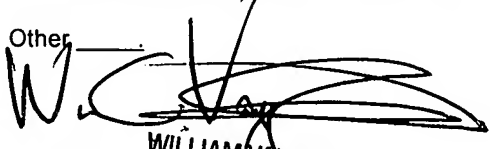
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Action is in response to Applicant's Amendment filed 12/03/2007.  
Claims 2-12, 14-15 are pending. Claims 1 & 13 are canceled.
2. Applicant's Amendments with respect to Specifications and Drawings have been fully considered and are persuasive. The Objections to Specifications and Drawings has been withdrawn.
3. Applicant's Amendments with respect to claim 7 rejection under 35 U.S.C. 112 2<sup>nd</sup> have been fully considered and are persuasive. The 35 U.S.C. 112 2<sup>nd</sup> rejection has been withdrawn.
4. Applicant's Amendments with respect to claims 2-12 & 14-15 have been fully considered and are persuasive.

### ***Allowable Subject Matter***

5. Claims 2-12, 14 & 15 are allowed.

## **EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7. Authorization for this examiner's amendment was given in a telephone interview with Attorney of Record Mark D. Pratt (Reg. No. 45,794) on Jan 14, 2008.

8. The application has been amended as follows:

On Line 7 of the Abstract of The Disclosure, the term "apparatus" should be replaced with the term "apparatuses".

#### ***Reasons for Allowance***

9. The following is an examiner's statement of reasons for allowance: Claims 2-12, 14 & 15 are allowable over the prior art of record.

10. The closest prior art of record, Oishi et al. (Oishi) US. PG. Pub. No. 2002/0120745) does not teach, suggest, or render obvious in detail, reserving communication resources by establishing a communication path that includes both known and unknown communication path information in combination with all the elements of each independent claim as argued by the Applicant. Oishi only teaches a bandwidth management method and apparatus for use in a connectionless IP (internet Protocol) communication network which guarantees the minimum communication bandwidth. Oishi provides ease in estimating admissible bandwidth for a new reservation request of a user via the utilization of the bandwidth management apparatus

and method. As described in Oishi, this is accomplished by implementing an admissible bandwidth calculation device that calculates admissible bandwidth in response to a received bandwidth reservation request


11. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100